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January 4, 2023

In re: Google Digital Advertising Antitrust Litigation,
No. 1:21-md-3010-PKC (S.D.N.Y.)

Dear Judge Castel,

We write to confirm the applicability of the deadlines in Pre-Trial Order No. 5 (“PTO-5”, Dkt. No. 394) to Meta Platforms, Inc. (“Meta”). In accordance with Rule 1.A of the Court’s Individual Practices, the next conference in this matter is February 15, 2023 at 2:00 p.m.

As the Court is aware, the only claims that have been asserted against Meta in this MDL relate to the Network Bidding Agreement (“NBA”). (*See* Dkt. Nos. 399, 401.) As the Court is also aware, in PTO-5, the Court stayed all “discovery relating to the Network Bidding Agreement” pending further order of the Court, in view of the Court’s September 13, 2022 Order dismissing the States’ claim based on the NBA. (PTO-5 ¶ 3.) Meta understands, therefore, that all discovery related to Meta is presently stayed.

PTO-5 established, among other things, a number of discovery deadlines, including a deadline for initial disclosures on January 13, 2023 (*id.* ¶ 4) and the service of initial discovery requests on January 27, 2023 (*id.* ¶¶ 6.1, 6.2). Because all discovery has been stayed with respect to the NBA, and no non-NBA claims have been asserted against Meta, Meta understands that these initial discovery deadlines do not apply to Meta.¹

On November 29, 2022, Meta contacted the other parties in the MDL to confirm they agreed that the deadlines in PTO-5 for initial disclosures and initial discovery requests did not apply to Meta in light of the discovery stay related to the NBA. The State Plaintiffs, the putative Publisher Class, the putative Advertiser Class, and the Individual Newspaper Plaintiffs informed Meta that they took no position on the statement that “Meta does not intend to serve

¹ For clarity, Meta understands that other upcoming deadlines set forth in PTO-5 that are unaffected by the discovery stay—such as the deadline to submit an appropriate protocol for Electronically Stored Information (PTO-5 ¶ 2)—apply to all parties, including Meta.

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initial disclosures, document requests or interrogatories by the dates set forth in Pre-Trial Order No. 5.”

Meta respectfully requests that the Court confirm that the deadlines in PTO-5 for initial disclosures (PTO-5 ¶ 4) and initial discovery requests (*id.* ¶¶ 6.1, 6.2) do not apply to Meta.

Respectfully,

/s/ Kevin J. Orsini
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